

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PATRICK MALONE,)	
Plaintiff,)	
)	Civ. Action No. 21-10728-PBS
v.)	
)	
NELSON A. MERCED, et al.,)	
Defendants.)	

ORDER

May 26, 2021

SARIS, D.J.

On April 30, 2021, Patrick Malone, an inmate in custody at the Souza Baranowski Correctional Center ("SBCC"), filed a pro se complaint pursuant to 42 U.S.C. § 1983 against a SBCC correctional officer, the SBCC Superintendent and the Commissioner of Correction alleging, among other things, failure to protect and excessive use of force. See Docket No. 1. With his complaint, Malone filed a motion for leave to proceed in forma pauperis. Docket No. 2.

On May 3, 2021, Malone's motion was denied without prejudice to refile with a copy of his prison account statement or payment of the filing fee. See Procedural Order, Docket No. 4. Malone filed a copy of his account statement on May 10, 2021, see Docket No. 5, and he paid the \$402.00 filing fee on May 26, 2021. See Docket No. 6.

Having reviewed the complaint, the Clerk will be directed to issue summonses for service of the complaint on defendants Merced, Gray and Mici. Because the filing fee has been paid, Malone is required to arrange for service of the summons and complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure.

Pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, plaintiffs may choose an alternative to serving the defendants with the summons and complaint by offering the defendants the option to waive service of the summons. See Fed. R. Civ. P. 4(d). The Clerk will be directed to provide Malone with copies of Rule 4, a blank Notice of Lawsuit and Request to Waive Service of Summons (form AO 398) and a blank Waiver of the Service of Summons (form AO 399), Because Malone is not proceeding in forma pauperis, the U.S. Marshals Service will not be ordered to effect service of process and advance the costs of service.¹

Accordingly, it is hereby Ordered that:

1. The Clerk shall issue summonses for service of the complaint on defendants Nelson Merced, Dean Gray and Carol A. Mici. The Clerk shall provide the plaintiff with a courtesy copy of the complaint and the following forms:
(1) Notice of Lawsuit and Request to Waive Service of

¹ If Malone seeks to have service of process effected by the U.S. Marshals Service, he must submit a motion for service by the U.S. Marshal Service with a motion for leave to proceed in forma pauperis.

Summons (form AO 398) and (2) Waiver of the Service of
Summons (form AO 399).

SO ORDERED.

/s/ Patti B. Saris
PATTI B. SARIS
UNITED STATES DISTRICT JUDGE